

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Scott D. Long
Group Art Unit : 1633
Applicants : Ryuichi Morishita et al.
Application No. : 10/564,269
Confirmation No. : 7392
Filed : February 22, 2006
For : MEDICAL COMPOSITION CONTAINING NF-KB
DECOY FOR TREATING AND PREVENTING
RESPIRATORY DISEASES AND METHOD OF
USING THE SAME

New York, New York
November 6, 2008

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AND RESPONSE TO JUNE 24, 2008 FINAL OFFICE ACTION

Sir:

This responds to the June 24, 2008 Office Action in the above-identified application, which action was made FINAL.

Applicants responded to the June 24, 2008 Office Action on September 23, 2008.

In an October 21, 2008 Advisory Action, the Examiner indicated that he would not enter the Response, contending that it raised new issues that would

Application No. 10/564,269
Amendment and Response dated November 6, 2008
In Response to June 24, 2008 FINAL Office Action

require further consideration/search and that it did not place the application in better form for appeal. Applicants have concurrently herewith filed a Request for Continued Examination. This moots the Examiner's refusal to consider the September 23, 2008 Response.

In the October 21, 2008 Office Action, the Examiner also noted that the September 23, 2008 Response was non-compliant because of a typographical error in the amendment of claim 47. Applicants have corrected that error in this Response. In all other respects, this Response is identical to the applicants' September 23, 2008 Response. Applicants apologize for the error and any inconvenience that it may have caused the Examiner.

In addition to the Response to Office Action, applicants concurrently filed a Notice of Appeal on September 23, 2008. The deadline for filing an Appeal Brief is November 23, 2008. As such, this Request for Continued Examination is timely filed. If for any reason, an extension of time is deemed necessary, the Director is hereby authorized to charge Deposit Account No. 06-1075 (Order No. 003734-0059-101).

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 3 of this paper.

Remarks begin on page 7 of this paper.